

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION

Civil No. 1:18-cv-00078-DLH-CSM

WBI Energy Transmission, Inc.,)
)
Plaintiff,)
)
-vs-)
)
An Easement and Right-of-Way)
Across)
)
189.9 rods, more or less, located in)
Township 149 North, Range 98 W)
Section 11: W1/2SE1/4)
Section 14: NW1/4NE1/4)
)
227.8 rods, more or less, located in)
Township 149 North, Range 98 W)
Section 11: N1/2SW1/4, W1/2SE1/4)
)
242.0 rods, more or less, located in)
Township 149 North, Range 98 W)
Section 2: SW1/4SE1/4)
Section 11: NE1/4)
)
335.3 rods, more or less, located in)
Township 150 North, Range 98 W)
Section 35: W1/2E1/2)
)
223.8 rods, more or less, located in)
Township 149 North, Range 98 W)
Section 28: S1/2N1/2)
)
83.6 rods, more or less, located in)
Township 149 North, Range 98 W)
Section 14: NW1/4)
)
McKenzie County, North Dakota,)
)
David L. Hoffmann; Denae M.)
Hoffmann; Leonard W. Hoffmann and)

Exhibit A to Declaration of Steven Price

Margaret A. Hoffmann, Trustees of the)
Hoffmann Living Trust dated March 8,)
2002; Rocky & Jonilla Farms, LLP;)
Randall D. Stevenson; and all other)
unknown owners of the above lands,)
)
Defendants.)

TRANSCRIPT OF
DEPOSITION OF DENAE HOFFMANN

Taken At
Braaten Law Firm
109 North Fourth Street
Bismarck, North Dakota
November 12, 2020

(APPEARANCES AS NOTED HEREIN)

1 A P P E A R A N C E S

2

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3

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16

FOR THE DEFENDANTS.

17

18

ALSO PRESENT:

19

MS. JANA HOFFMANN

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MR. LEONARD W. HOFFMANN

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MS. MARGARET A. HOFFMANN

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1 C O N T E N T S

2 DENAE HOFFMANN

3 Examination by Mr. Forster 6

4 -----

5 CERTIFICATE OF DEPONENT 79

6 CERTIFICATE OF COURT REPORTER
7 AND NOTARY PUBLIC 80

8 -----

9 DEPOSITION EXHIBITS MARKED:

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12	2	Aerial Map 11-140N-98W	11
13	3	Map of T 149N R 98W, McKenzie County	13
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15	5	2019 Parcel Search Results for Parcel Number 63-00-06550	19
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18	8	McKenzie County Address App map for Road Segments	32
19	9	Road Use Agreement & Easement	33
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6	14	Uniform Agricultural Appraisal Report dated May 15, 2020, of Roger M. Cymbaluk	63
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1 (Deposition of **DENAE HOFFMANN**, a witness
 2 of lawful age, taken on behalf of the Plaintiff in
 3 the above-entitled cause, pending in the District
 4 Court of the United States for the District of
 5 North Dakota, Western Division, pursuant to Notice
 6 of Taking Deposition, before Denise M. Andahl, a
 7 Registered Professional Reporter and a Notary
 8 Public in and for the State of North Dakota, at the
 9 Braaten Law Firm, 109 North Fourth Street, Suite
 10 100, in the City of Bismarck, County of Burleigh,
 11 State of North Dakota, on the 12th day of November,
 12 2020, commencing at 8:58 a.m., counsel appearing on
 13 behalf of the respective parties as hereinbefore
 14 indicated:)

15 -----

16 (The following proceedings were had and
 17 made of record:)

18 **DENAE HOFFMANN**,
 19 being first duly sworn, was examined and testified
 20 as follows:

21 **EXAMINATION**

22 **BY MR. FORSTER:**

23 **Q.** Good morning. My name is Paul Forster and
 24 I represent WBI Energy in this case. I don't think
 25 we previously met. But can you please state your

1 has been known to happen from time to time, please
 2 just ask me to rephrase and I'll be happy to do
 3 that. Okay?

4 **A. Yes.**

5 **Q.** And then if you don't ask me to rephrase,
 6 I'll just assume that you understood the question.
 7 Fair enough?

8 **A. Yes.**

9 **Q.** Also if you want to take a break at any
 10 point during the day, just speak up. We can take a
 11 break at any point you need to do so. The only
 12 thing I'll ask is that if there's a question
 13 pending at the time, that you answer that question
 14 before we take a break. Does that make sense?

15 **A. Yes.**

16 **Q.** To start out, I'd like to just know a
 17 little bit about your background. Could you tell
 18 me just to start with where you're from, where you
 19 were born, where you've lived over the course of
 20 your life?

21 **A. I was born in Bismarck, North Dakota. My**
 22 **parents and I moved to Watford City, North Dakota,**
 23 **when I was four years old, and I lived there until**
 24 **February of this year.**

25 **Q.** And what's your educational background,

7

1 name for the record.

2 **A. My name is Denae Hoffmann.**

3 **Q.** And could you please spell it for the
 4 court reporter as well?

5 **A. D-e-n-a-e H-o-f-f-m-a-n-n.**

6 **Q.** And, Ms. Hoffmann, have you ever had your
 7 deposition taken before?

8 **A. No.**

9 **Q.** Okay. Nothing too complicated, but I just
 10 want to walk through a few ground rules. Your
 11 attorney might have already covered some of this
 12 with you, but I like to just cover these points at
 13 the beginning of each deposition and hopefully it
 14 makes things go a little bit more smoother as we
 15 have our discussion.

16 The first point obviously is that we have
 17 a court reporter here who is taking down everything
 18 that you say. So please try and make sure to
 19 provide audible responses, yes or no. If you
 20 respond mm-hmm or huh-uh, that's difficult to get
 21 down on a transcript. Or if you nod your head or
 22 shake your head, that's also difficult to take down
 23 for the transcript. Does that make sense?

24 **A. It does.**

25 **Q.** And if I have asked a poor question, which

9

1 Ms. Hoffmann?

2 **A. I graduated from high school.**

3 **Q.** And what did you do after high school?

4 **A. My family owned a grocery business in**
 5 **Watford City, and I helped work with them there**
 6 **until I was married to my husband, and then we**
 7 **farmed and I also worked in town for most of my**
 8 **life.**

9 **Q.** In Watford City?

10 **A. Yes.**

11 **Q.** And what did you do for work in Watford
 12 City?

13 **A. I helped in the family-owned grocery**
 14 **business. I worked at a bank. My most previous**
 15 **job was at the McKenzie County Auditor's Office in**
 16 **Watford City. I worked there for 21 years and I**
 17 **retired in 2014.**

18 **Q.** What did you do at the auditor's office?

19 **A. I mainly did accounts payable. I worked**
 20 **with delinquent tax properties, helped with**
 21 **elections. We pretty much did a lot of things.**

22 **Q.** Fair enough.

23 **A. Catchall.**

24 **Q.** Do you remember approximately what time
 25 frame you worked for that bank?

1 **A. In the 1980s.**
 2 **Q.** What did you do while you were with the
 3 bank?
 4 **A. Mostly secretarial. When I did quit**
 5 **there, I was an assistant loan officer.**
 6 **Q.** Do you have any experience conducting real
 7 property appraisals? Is that something that you
 8 ever did over the course of working?
 9 **A. No.**
 10 **Q.** I want to talk now -- well, to start off
 11 with, what is your just general understanding of
 12 the case that you're involved in with WBI Energy?
 13 What's the case about from your perspective?
 14 **A. It's a case about eminent domain**
 15 **proceedings that were enforced on my property.**
 16 **Q.** And specifically an eminent domain case
 17 for WBI Energy to construct a natural gas pipeline
 18 across some of your property; is that right?
 19 **A. Yes.**
 20 **Q.** I just want to -- before we dive too far
 21 into specifics, I just want to make sure that we're
 22 on the same page about the property that we're
 23 talking about. And so I'm going to introduce a
 24 couple of exhibits here. So first we will mark
 25 this as Exhibit 1.

11

1 (Deposition Exhibit No. 1 was marked for
 2 identification.)
 3 **Q.** (MR. FORSTER CONTINUING) Ms. Hoffmann, do
 4 you have Exhibit 1 in front of you?
 5 **A. Yes.**
 6 **Q.** Now, my understanding is that Exhibit 1
 7 shows the pipeline easements that WBI Energy is
 8 acquiring across your property. Is that consistent
 9 with your understanding?
 10 **A. Yes.**
 11 **Q.** And I'm going to now show you another
 12 exhibit marked as Exhibit 2.
 13 (Deposition Exhibit No. 2 was marked for
 14 identification.)
 15 **Q.** (MR. FORSTER CONTINUING) And my
 16 understanding is that Exhibit 2 is an aerial
 17 overview of some property that you own in McKenzie
 18 County. Does the yellow outline on this Exhibit 2
 19 depict property that you own?
 20 **A. Yes.**
 21 **Q.** And is the property that's depicted on
 22 Exhibit 2, is that the property that is crossed by
 23 WBI Energy's pipeline that they constructed in this
 24 action?
 25 **A. Yes.**

1 **Q.** And if I refer -- as we go forward today,
 2 if I refer to this property that's shown on Exhibit
 3 2, if I refer to that as the subject property or
 4 the subject lands, will you understand what I'm
 5 referring to?
 6 **A. Yes.**
 7 MR. BRAATEN: Can I just clarify? When
 8 you say that, are you referring to the lands that
 9 are within the yellow outline on the exhibit?
 10 MR. FORSTER: Exactly.
 11 **Q.** (MR. FORSTER CONTINUING) And just so we
 12 have the legal description in the record, my
 13 understanding is that the subject lands would be
 14 the Southeast Quarter and the North Half of the
 15 Southwest Quarter of Section 11, and then the North
 16 Half of the Northeast Quarter of Section 14, all in
 17 Township 149 North, Range 98 West?
 18 **A. Would you repeat that, please?**
 19 **Q.** Certainly. The subject lands shown in the
 20 yellow outline on Exhibit 2 would be the Southeast
 21 Quarter of Section 11, the North Half of the
 22 Southwest Quarter of Section 11 and the North Half
 23 of the Northeast Quarter of Section 14, Township
 24 149 North, Range 98 West. Does that appear
 25 correct?

13

1 **A. Yes. Yes.**
 2 **Q.** And, Ms. Hoffmann, are you the sole owner
 3 of the subject lands at this point?
 4 **A. I am.**
 5 **Q.** And my understanding is that you
 6 previously owned those as joint tenants with your
 7 husband, David Hoffmann; is that correct?
 8 **A. Yes.**
 9 **Q.** And my condolences for his passing. And
 10 I'm just asking to make a clear record that at this
 11 point, you would be the person with the sole right
 12 to any compensation for the WBI Energy pipeline
 13 that crosses the subjects lands; is that right?
 14 **A. Yes.**
 15 **Q.** Also before we move on, I want to also
 16 show you one other exhibit that shows a little bit
 17 more zoomed-out view of the subject lands. We'll
 18 mark this as Exhibit 3.
 19 (Deposition Exhibit No. 3 was marked for
 20 identification.)
 21 **Q.** (MR. FORSTER CONTINUING) And, Ms.
 22 Hoffmann, does this exhibit appear to you to show
 23 in the green shading the location of the subject
 24 lands within the larger township?
 25 **A. Yes.**

1 Q. Now, I want to talk a little bit about how
2 the subject lands have been used over the years.
3 And to start with, let's talk about residential
4 use. Have you resided on the subject lands at any
5 point?

6 A. The area highlighted in green?

7 Q. Right, the area highlighted in green on
8 Exhibit 3.

9 A. No. My residence is over on Section 12.

10 Q. The residence is on Section 12?

11 A. Correct.

12 Q. Over to the east of the subject lands?

13 A. Yes.

14 Q. And that residence, my understanding is
15 that you lived there up until earlier this year,
16 but you've since moved to Bismarck; is that right?

17 A. Yes.

18 Q. And what part of Section 12 is the
19 residence located on, just generally? If you could
20 identify which quarter.

21 A. It is in the Southeast Quarter of Section
22 12. It's the numeral 2 that is circled.

23 Q. The numeral 2 that's circled on Exhibit 3?

24 A. On Exhibit 3.

25 Q. Thank you. I want to talk a little bit

1 Q. I assume that's the land that's rented by
2 Mr. Klamm within the subject lands?

3 A. Part of it, yes.

4 Q. And then some of what he rents is also in
5 Section 12?

6 A. I believe so.

7 Q. Other than the portion of the subject
8 lands that's rented by Mr. Klamm for farming, is
9 there anyone else who rents any part of the subject
10 lands shown on Exhibit 2 for agricultural purposes?

11 A. No.

12 Q. No grazing or haying other parts of it;
13 correct?

14 A. Not at this time.

15 Q. It looks like there are a couple of oil
16 well locations just to the south of that road that
17 bisects the subject land. Do you see those on
18 Exhibit 2?

19 A. Yes.

20 Q. And do you know which company operates
21 those pads, those wells?

22 A. Yes.

23 Q. Who is it?

24 A. Ovintiv, I believe they're called now.
25 Originally Newfield.

15

1 now about just any agricultural use of the subject
2 lands. As far as you know, are the subject lands
3 zoned agricultural by McKenzie County?

4 A. Yes.

5 Q. And my understanding is that you and
6 Mr. Hoffmann did some farming on the subject lands
7 up until 2017; is that right?

8 A. Yes.

9 Q. And since then, have you rented the
10 subject lands to others for agricultural uses?

11 A. Yes.

12 Q. So my understanding from the written
13 discovery is that J.P. Klamm began renting cropland
14 on the subject lands by oral agreement in 2018.
15 Does that sound right?

16 A. Yes.

17 Q. And he pays \$23 an acre for the cropland,
18 renting about 375 acres; does that sound right?

19 A. Yes.

20 Q. And that's \$23 per acre per year?

21 A. Yes.

22 Q. And if we look at Exhibit 2, it appears
23 that there's a field to the north of the road that
24 runs through the subject lands. Do you see that?

25 A. Yes.

17

1 Q. Originally Newfield and now you said
2 Ovintiv?

3 A. I believe so. It was Encana in between.
4 They've changed.

5 Q. Sure. Do they pay any kind of yearly or
6 monthly rental for those sites?

7 A. Yes.

8 Q. And do you know what that amount is?

9 A. No.

10 Q. Do you know whether it's a yearly or a
11 monthly rental?

12 A. Yearly.

13 Q. Would you be able to figure out what the
14 amount was if you needed to looking back at your
15 records?

16 A. Yes.

17 Q. Are there -- aside from the rentals of the
18 subject land that we've already discussed, are
19 there any other current or future rentals on the
20 subject lands that we haven't covered already?

21 A. Can you rephrase that?

22 Q. Sure. So we talked about -- I believe we
23 talked about J.P. Klamm renting a portion of the
24 subject lands to grow crops and then we talked
25 about Newfield or its successor in interest renting

1 these two well pads. Are there any other rentals
 2 on the surface of the subject lands that are
 3 ongoing that we haven't already covered today?
 4 **A. I don't know.**
 5 **Q.** None that you're aware of?
 6 **A. Correct.**
 7 **Q.** In terms of the J.P. Klamm crop rental for
 8 \$23 an acre, as far as you know, is that consistent
 9 with the general market for crop rentals in this
 10 area in McKenzie County?
 11 **A. I don't know.**
 12 **Q.** Are you familiar with the county rents and
 13 values surveys that are done in North Dakota and
 14 put out? Have you ever looked at that document?
 15 **A. No.**
 16 **Q.** I'm now going to mark an Exhibit 4.
 17 (Deposition Exhibit No. 4 was marked for
 18 identification.)
 19 **Q.** (MR. FORSTER CONTINUING) And this is some
 20 real estate tax information. Take a minute to flip
 21 through it. My understanding, Ms. Hoffmann, is
 22 that these would be the 2018 McKenzie County real
 23 estate tax statements that cover the subject lands.
 24 Let me know if that appears to be the case to you.
 25 **A. Yes.**

19

1 **Q.** And if you look at these statements, all
 2 of them -- if you go about a third of the way down
 3 the page, they show a true and full value for the
 4 land. Do you see that?
 5 **A. Yes.**
 6 **Q.** It would appear to me that the lands are
 7 assessed -- for real estate tax purposes, are
 8 assessed at an agricultural value. Would you agree
 9 with that?
 10 **MR. BRAATEN:** Object to form and
 11 foundation.
 12 **Q.** (MR. FORSTER CONTINUING) Oh, the
 13 objection is noted, but you can answer.
 14 **A. The statement doesn't say whether it's**
 15 **real estate -- if it's commercial or agriculture.**
 16 **Normally they would.**
 17 **Q.** We'll mark an additional exhibit. And
 18 that actually struck me as well. I'll represent to
 19 you that I downloaded this document from the
 20 McKenzie County real estate tax portal, which we'll
 21 mark as Exhibit 5.
 22 (Deposition Exhibit No. 5 was marked for
 23 identification.)
 24 **Q.** (MR. FORSTER CONTINUING) And do you have
 25 Exhibit 5 in front of you?

1 **A. I do.**
 2 **Q.** The parcel number on Exhibit 5 appears to
 3 line up with the parcel number on the tax statement
 4 for the first page of Exhibit 4, doesn't it?
 5 **A. For the first page, yes.**
 6 **Q.** And if you look at the top left under the
 7 tax info tab on Exhibit 5, it appears to show that
 8 the -- there's an entry that says assessment or
 9 ASMT 101 agricultural. Do you see that?
 10 **A. Yes.**
 11 **Q.** Does that refresh your recollection as to
 12 whether the subject lands are assessed at an
 13 agricultural value for real estate tax purposes?
 14 **MR. BRAATEN:** Object to form and
 15 foundation. You can answer.
 16 **A. It shows that that parcel is regarded as**
 17 **agricultural land.**
 18 **Q.** (MR. FORSTER CONTINUING) Do you have
 19 reason to believe that the other parcels in Exhibit
 20 4 are assessed at something other than
 21 agricultural?
 22 **A. No.**
 23 **Q.** Would you agree that the majority of the
 24 subject lands as of today continue to be used for
 25 agricultural purposes?

21

1 **MR. BRAATEN:** Object to form.
 2 **A. I receive other income than agricultural**
 3 **from that parcel. Is that what you're --**
 4 **Q.** (MR. FORSTER CONTINUING) Probably a bad
 5 question. In terms of the -- in terms of the
 6 acreage that's included within the subject lands,
 7 the yellow outline on Exhibit 2, would you agree
 8 that the majority of that acreage continues to be
 9 used for agricultural purposes today?
 10 **A. Agricultural and pipeline crossings.**
 11 **Q.** And we'll talk about the pipeline
 12 crossings -- we'll get into those in a minute.
 13 Are there any portions of the subject
 14 lands that are no longer used for agricultural
 15 purposes as a result of pipeline crossings?
 16 **MR. BRAATEN:** Object to form.
 17 **A. Could you repeat that, please?**
 18 **Q.** (MR. FORSTER CONTINUING) Are there any
 19 portions of the subject lands that are no longer --
 20 used to be used for agricultural purposes and are
 21 no longer used for agricultural purposes as the
 22 result of a pipeline crossing?
 23 **MR. BRAATEN:** Object to form. Go ahead.
 24 **A. I don't know.**
 25 **Q.** (MR. FORSTER CONTINUING) Are there some

1 pipelines, to your knowledge, that cross under that
2 field that's rented by J.P. Klamm on the subject
3 lands?

4 **A. Yes.**

5 **Q.** And notwithstanding those pipeline
6 crossings, Mr. Klamm does continue to be able to
7 use the field for growing crops; correct?

8 **A. Yes.**

9 **Q.** Are there multiple pipelines that cross
10 the subject property?

11 **A. Yes.**

12 **Q.** And do they -- do they all cross the
13 property in one specific area, or do they follow a
14 variety of routes across the property?

15 MR. BRAATEN: Object to form.

16 **A. You're asking two different questions. Do**
17 **they all -- to the best of my knowledge, they all**
18 **follow the same route as close as possible.**

19 **Q.** (MR. FORSTER CONTINUING) All the
20 pipelines across the subject property follow the
21 same route as much as possible. Could you -- I'm
22 going to hand you a black Sharpie pen. Would you
23 be able to -- if I hand you the pen, would you be
24 able to draw on Exhibit 2 approximately what that
25 route is across the subject lands?

23

1 **A. No.**

2 **Q.** Fair enough. In terms of wherever the
3 pipelines cross the subject lands, is there any
4 physical barrier, like a fence or any other
5 physical barrier, that separates that area where
6 the pipelines cross from the remainder of the
7 subject property?

8 **A. I don't know.**

9 **Q.** Not to your knowledge?

10 **A. I don't know.**

11 **Q.** When's the last time you were physically
12 present at the subject lands?

13 **A. I would have to say it's been at least**
14 **three years since I've been there --**

15 **Q.** Right.

16 **A. -- in the subject lands outlined by the**
17 **yellow. I've been at my residence.**

18 **Q.** Fair enough. I understand.

19 **A. Okay.**

20 **Q.** Do you remember -- do you have any
21 recollection last time you were at the subject
22 lands of seeing any fenced-off area or other
23 physical barrier that separates a pipeline area
24 from the remainder of the subject lands?

25 **A. I don't know.**

1 **Q.** No recollection?

2 **A. I can't remember. No.**

3 **Q.** To your knowledge, has there been an area
4 that includes the pipeline area or pipeline
5 corridor that's been subdivided from the rest of
6 the subject lands with the county? Do you have any
7 knowledge of that?

8 **A. Could you repeat that, please?**

9 **Q.** So I think you said that, at least to the
10 best of your knowledge, the pipelines all cross the
11 subject lands along roughly the same route; right?

12 **A. To the best of my knowledge.**

13 **Q.** Do you have any knowledge of that area
14 having been subdivided in proceedings with the
15 county -- subdivided from the remainder of the
16 subject lands?

17 **A. No.**

18 **Q.** Before this present lawsuit with WBI
19 Energy happened, do you have any knowledge of the
20 area that the pipelines cross being appraised
21 separately from the remainder of the subject lands?

22 **A. No.**

23 **Q.** Do you have any knowledge of the area
24 crossed by the pipelines being zoned separately
25 from the remainder of the subject lands?

25

1 **A. No.**

2 **Q.** Do you have any knowledge of the area
3 crossed by the pipelines ever having been assessed
4 for tax purposes separately from the rest of the
5 subject lands?

6 **A. I don't know.**

7 **Q.** You have no knowledge of that?

8 **A. No.**

9 **Q.** And, again, you're the owner of the entire
10 subject lands; right?

11 **A. Yes.**

12 **Q.** The -- you're the fee owner of the area
13 crossed by the pipelines and the remainder of the
14 subject lands? There's no other fee owners --
15 separate fee owners of the area crossed by the
16 pipelines?

17 **A. No.**

18 **Q.** I want to talk now a little bit about the
19 specific WBI easement and WBI pipeline that's at
20 issue in this action. And, again, I think we agree
21 that that's -- that WBI Energy's easement is
22 depicted on Exhibit 1; correct?

23 **A. I believe so.**

24 **Q.** And WBI Energy -- my understanding is they
25 constructed a pipeline within that easement area in

1 the -- in 2018. Does that sound right?

2 **A. I don't know.**

3 **Q.** And -- well, I guess let me ask this. Did
4 you personally observe any of the construction of
5 WBI Energy's specific pipeline that's at issue in
6 this action?

7 **A. No.**

8 **Q.** And do you have any knowledge of any
9 unexpected issues that came up in the course of
10 constructing the pipeline?

11 MR. BRAATEN: Object to form.

12 **A. I don't know.**

13 **Q.** (MR. FORSTER CONTINUING) Do you have any
14 -- do you have any knowledge whether there were any
15 problems or issues that came up with respect to the
16 subject lands when WBI Energy was reclaiming the
17 lands after installing the pipeline?

18 MR. BRAATEN: Object to form. Go ahead.

19 **A. I don't know.**

20 **Q.** (MR. FORSTER CONTINUING) No recollection
21 of that?

22 MR. BRAATEN: Object to form.

23 **A. I don't know. I was busy fighting cancer**
24 **with my husband.**

25 **Q.** (MR. FORSTER CONTINUING) Fair enough.

27

1 And I'm not meaning to prod. I'm just trying to
2 make sure that I -- you know, that I have an --
3 this is my chance to kind of talk with you and, you
4 know, understand what your knowledge of the facts
5 are, so I'm just trying to make sure that I explore
6 what your recollections are with respect to this
7 pipeline.

8 Did you personally ever go out and inspect
9 the -- inspect the subject property and
10 specifically the area where the pipeline was
11 installed after the installation of the pipeline?

12 **A. No.**

13 **Q.** I want to talk now a little bit about the
14 access road that crosses the property, and I think
15 it's -- I think it's shown on Exhibit 2 running
16 along the southern line of the property as you come
17 in -- what would that be, from the west? Is there
18 a road that runs along there?

19 **A. From the west, yes.**

20 **Q.** And then the road comes off the property
21 line and runs down to the southeast and goes past
22 those well pads; is that right?

23 **A. Yes.**

24 **Q.** And then ultimately runs off the property
25 past the section line and out to another well pad

1 in Section 12?

2 **A. Yes.**

3 **Q.** And for our discussion purposes, I think I
4 have a separate plat that depicts that road
5 specifically. We'll mark that as an exhibit.

6 (Deposition Exhibit No. 6 was marked for
7 identification.)

8 **Q.** (MR. FORSTER CONTINUING) Have you had a
9 chance to look at Exhibit 6?

10 **A. Yes.**

11 **Q.** And does that Exhibit 6 appear to show the
12 access road that we were just discussing?

13 **A. Yes.**

14 **Q.** Do you know who built or maintains --
15 well, let me back up.

16 Do you know who built this road?

17 **A. No.**

18 **Q.** Do you know who maintains the road?

19 **A. No.**

20 **Q.** And my understanding is it's a graded
21 scoria road; is that right?

22 **A. It has scoria on it.**

23 **Q.** And is the road graded? In other words,
24 is there earthwork such that the road is a little
25 bit elevated from the surrounding land?

29

1 **A. I believe so.**

2 **Q.** And I apologize. I can't remember if I
3 asked this. Do you know who maintains the road
4 currently?

5 **A. No.**

6 **Q.** Do you know who uses the road currently?

7 **A. I would assume the people going to the oil**
8 **locations as well as my renter for farming access.**

9 **Q.** Mr. Klamm?

10 **A. Yes.**

11 **Q.** Do you have -- do you have any knowledge
12 as to whether that road is or ever has been
13 maintained by McKenzie County?

14 **A. Not to my knowledge.**

15 **Q.** Is there any -- is there any signage on
16 the road that you can remember at either of the
17 access points or anywhere along the road?

18 **A. I don't know.**

19 **Q.** Do you recall if there's a street sign
20 with a county street name on the road?

21 **A. I would say no.**

22 **Q.** And, again, it's been, I think you said,
23 three years since you've visited the subject
24 property?

25 **A. I could have driven through there, but as**

1 far as observation, I have no recollection of
2 anything.

3 Q. Okay. Do you remember the last time you
4 viewed the access road that's shown on Exhibit 6?

5 A. No.

6 Q. Has it been more than three years?

7 A. No.

8 Q. About how recently do you think it's been
9 since you viewed the access road?

10 A. I can't answer that.

11 Q. Within the last month?

12 A. No.

13 Q. Within the last year?

14 A. I don't remember.

15 MR. FORSTER: We'll mark Exhibit 7.

16 (Deposition Exhibit No. 7 was marked for
17 identification.)

18 Q. (MR. FORSTER CONTINUING) Do you have
19 Exhibit 7 in front of you, Ms. Hoffmann?

20 A. Yes.

21 Q. And I'll represent to you that I simply
22 went on the McKenzie County mapping service online
23 and pulled up the map that shows county roads.

24 Does this Exhibit 7 appear to you to depict the
25 same access road that we were just discussing?

1 identification.)

2 Q. (MR. FORSTER CONTINUING) And you have
3 Exhibit 8 in front of you, Ms. Hoffmann?

4 A. Yes.

5 Q. This -- and I'll represent to you this map
6 is likewise something I downloaded from the
7 McKenzie County map system -- road map system
8 online. Does this map appear to again show the
9 access road that we were talking about?

10 A. Yes.

11 Q. And in this case the little callout box is
12 pointing to a small spur that comes off of that
13 access road; right?

14 A. Yes.

15 Q. Is that -- does that spur to you appear to
16 possibly be an access to one of the Newfield well
17 pads on the property?

18 A. I don't know.

19 Q. Regardless of the purpose it serves, that
20 little spur that comes off in roadway type is
21 marked private; correct?

22 MR. BRAATEN: Object to foundation.

23 A. The spur is marked private.

24 Q. (MR. FORSTER CONTINUING) And that differs
25 from -- well, if we look back at Exhibit 7, the

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1 A. Yes.

2 Q. And at least on this Exhibit 7 it appears
3 to be labeled, if you look at the callout box with
4 the street label row, it appears that the county's
5 map shows this as 22F Street Northwest. Do you see
6 that?

7 A. I see that.

8 Q. Do you have any knowledge as to why this
9 road would be shown as part of the county road
10 system?

11 MR. BRAATEN: Object to form.

12 A. My understanding from working at the
13 courthouse, they like to label roads, paths,
14 whatever, in case there's an emergency and someone
15 needs to get to that area.

16 Q. (MR. FORSTER CONTINUING) So I guess let
17 me back up. Do you know whether or not this road
18 is treated as part of the county road system by
19 McKenzie County?

20 MR. BRAATEN: Object to form. Go ahead
21 and answer.

22 A. No.

23 Q. (MR. FORSTER CONTINUING) You don't know?

24 A. I don't know.

25 (Deposition Exhibit No. 8 was marked for

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1 roadway type is marked gravel; is that correct?

2 A. Yes.

3 Q. At least on its face Exhibit 7 doesn't say
4 that this is a private road, does it?

5 MR. BRAATEN: Object to form and
6 foundation.

7 A. The form says it's a gravel road.

8 Q. (MR. FORSTER CONTINUING) Fair enough.
9 (Deposition Exhibit No. 9 was marked for
10 identification.)

11 Q. (MR. FORSTER CONTINUING) I'll show you
12 Exhibit 9. Let me know once you've had a chance to
13 review Exhibit 9.

14 A. Okay.

15 Q. And this appears to be a Road Use
16 Agreement and Easement from yourself and David
17 Hoffmann to McKenzie County; is that right?

18 A. I don't know.

19 Q. Okay. The document at least at the top is
20 labeled Road Use Agreement and Easement?

21 A. Yes.

22 Q. Does that appear -- if we look at the
23 signature page, does it appear that you signed the
24 document?

25 A. I did.

1 Q. And it appears that Mr. Hoffmann signed
 2 the document as well?
 3 A. He did.
 4 Q. Do you remember anything about the
 5 circumstances that gave rise to this agreement?
 6 A. I do not.
 7 Q. Now, if we look at the unnumbered
 8 paragraph on the first page at the top of the page,
 9 and look about -- well, if we just look at the
 10 legal description it says, Grantor, in
 11 consideration of \$10 which has been received, and
 12 other good and valuable consideration, conveys to
 13 McKenzie County, then the address (grantee), an
 14 easement to construct, operate, maintain, and
 15 remove one right-of-way with the right of ingress
 16 and egress, over certain land in the Southeast of
 17 Section 11, and the North Half of the Northeast of
 18 Section 14, Township 149 North, Range 98 West,
 19 McKenzie County, North Dakota, hereinafter referred
 20 to as the easement area which is a strip of land 66
 21 feet wide, in order to deviate from the section
 22 line, as needed, to develop an access route around
 23 two oil and gas well sites constructed within the
 24 statutory right-of-way as shown on the attached
 25 exhibit. Prior to construct, grantee shall obtain

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1 written consent for the final placement of the
 2 easement area from grantor, of which shall not be
 3 unreasonably withheld.
 4 So my question is, there's a reference to
 5 providing an access route around two oil and gas
 6 well sites constructed within the statutory
 7 right-of-way. If we look at Exhibit 2, those two
 8 Newfield well pads, those are constructed across
 9 the section line between Section 11 and Section 14,
 10 aren't they?
 11 A. Yes.
 12 Q. You think it's likely that those are the
 13 two oil and gas well sites referred to in this Road
 14 Use and Easement Agreement?
 15 A. I believe so.
 16 Q. And do you think it's possible that this
 17 Road Use and Easement Agreement is referring to the
 18 access road that we were just discussing as an
 19 alternative easement area for public access because
 20 those well sites were now blocking the section line
 21 right-of-way?
 22 MR. BRAATEN: Object to form.
 23 A. I believe, to the best of my knowledge, it
 24 was constructed to get to that well site.
 25 Q. (MR. FORSTER CONTINUING) That the access

1 road was constructed to get to the Newfield well
 2 site?
 3 A. I really don't remember.
 4 Q. Fair enough. Just to kind of put a button
 5 on it, going through this Road Use and Easement
 6 Agreement, does this refresh your recollection in
 7 any way in terms of the circumstances under which
 8 the document was entered into with McKenzie County?
 9 A. No.
 10 Q. Does this Road Use Agreement and Easement,
 11 to your understanding, appear to refer to that
 12 access road down to the Newfield well sites?
 13 A. Yes.
 14 Q. All right. We'll move on. I want to talk
 15 a little bit now about -- and, you know, obviously
 16 I had a point to asking about -- all these
 17 questions about this access road.
 18 Do you have any understanding about
 19 whether WBI Energy used this access road when it
 20 was constructing its pipeline that's at issue in
 21 this action?
 22 A. Can you repeat that, please?
 23 Q. Do you have any knowledge or understanding
 24 as to whether WBI Energy used this access road that
 25 we've been discussing?

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1 A. I have no knowledge of it. I don't know
 2 how else they'd get there.
 3 Q. And when you say you don't know how else
 4 they'd get there, are you saying that there's no
 5 other road by which they could access their
 6 easement on the subject land?
 7 A. Not to my knowledge.
 8 Q. Is it possible that they could access
 9 their easement by following -- well, let me ask
 10 this way. WBI Energy's pipeline easement runs
 11 across and exits the subject lands both on the
 12 north and on the south; right?
 13 A. Yes.
 14 Q. And presumably WBI Energy's pipeline then
 15 follows easements on the neighboring landowners'
 16 lands?
 17 A. I don't know.
 18 Q. Is it possible that WBI Energy could
 19 access their easement on the subject lands simply
 20 by following the route of their own pipeline as
 21 they were constructing it?
 22 A. I don't know.
 23 Q. Aside from what we've already discussed,
 24 do you have any other understanding from discussion
 25 with anyone else about whether WBI Energy used the

1 access road that we've been discussing? Probably
 2 I've asked a terrible question. You look confused.
 3 Sorry. I've been known to do that. Let me
 4 rephrase.
 5 I think you said you have no personal
 6 knowledge about whether or not WBI Energy used the
 7 access road; is that right?
 8 **A. Correct.**
 9 **Q.** Do you have an understanding by way of
 10 having conversations with anyone else about whether
 11 or not WBI Energy used this access road?
 12 **A. I've heard someone saw them use it.**
 13 **Q.** And that's what I was getting at. Who
 14 told you that they saw WBI use it?
 15 **A. Randy Stevenson.**
 16 **Q.** And what do you remember about what Randy
 17 Stevenson told you?
 18 **A. That he saw them use the road.**
 19 **Q.** Do you remember if he said at what point
 20 in time he saw them use the road?
 21 **A. I have no knowledge of that.**
 22 **Q.** Did Mr. Stevenson tell you how many
 23 vehicles he saw using the road?
 24 **A. No.**
 25 **Q.** Did he tell you what kind of vehicles he

1 **A. Yes.**
 2 **Q.** And prior to that conversation within the
 3 last week, Randy Stevenson had never mentioned
 4 anything to you about WBI Energy using the road?
 5 **A. We don't generally communicate.**
 6 **Q.** You don't talk with Mr. Stevenson very
 7 often?
 8 **A. No.**
 9 MR. FORSTER: We've been going for a
 10 little over an hour. Would you all like a break or
 11 would you prefer to keep going? I can go either
 12 way.
 13 (Discussion had off the record.)
 14 **Q.** (MR. FORSTER CONTINUING) So let's change
 15 gears a little bit and talk about some other
 16 pipelines that cross the subject lands. Are you
 17 aware that WBI Energy -- before this action, are
 18 you aware that they previously installed a
 19 different pipeline across the subject lands?
 20 **A. I don't -- I don't know.**
 21 **(Deposition Exhibit No. 10 was marked for**
 22 **identification.)**
 23 MR. FORSTER: You know what, I marked the
 24 wrong exhibit, but that's okay. We'll come back to
 25 it later.

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1 saw using the road?
 2 **A. No.**
 3 **Q.** Did he tell you how he knew that it was
 4 WBI Energy using the road?
 5 **A. No.**
 6 **Q.** Did he tell you whether it was just one
 7 time that he saw them using the road or on multiple
 8 occasions?
 9 **A. It was a very brief conversation and he**
 10 **indicated he had seen them use the road.**
 11 **Q.** Is there anything else, any additional
 12 detail from that conversation that you remember?
 13 **A. No.**
 14 **Q.** Aside from that conversation that we
 15 covered, have you had any other conversations with
 16 Randy Stevenson or anyone else telling you that
 17 they saw WBI Energy using this access road?
 18 **A. No.**
 19 **Q.** Do you remember at what point in time that
 20 conversation with Randy Stevenson was, about how
 21 long ago that was?
 22 **A. Just recently.**
 23 **Q.** Within the last month?
 24 **A. Yes.**
 25 **Q.** Within the last week?

1 (Deposition Exhibit No. 11 was marked for
 2 identification.)
 3 **Q.** (MR. FORSTER CONTINUING) Have you had a
 4 chance to look through Exhibit 11?
 5 **A. Yes.**
 6 **Q.** This Exhibit 11 appears to me to be an
 7 easement and related agreements pertaining to --
 8 well, dated 2014 and pertaining to a WBI Energy
 9 pipeline easement across the subject lands. Would
 10 you agree with that?
 11 **A. Yes.**
 12 **Q.** And you'd agree that this pipeline
 13 referred to in this agreement, this will be a
 14 different pipeline from the one that's at issue in
 15 this action; correct?
 16 **A. Correct.**
 17 **Q.** And if we look at the plat for this
 18 easement, if you look at the bottom right of the
 19 page, there's -- we call them Bates stamps, but
 20 they're really just page numbers. If we look at
 21 the page marked 00026, do you see that?
 22 **A. Yes.**
 23 **Q.** It appears to me that this 2014 pipeline
 24 follows approximately the same route as the
 25 pipeline that's at issue in this action; is that

1 right?

2 **A. Yes.**

3 **Q.** Runs parallel to it?

4 **A. Yes.**

5 **Q.** And if we go to the page marked 00028, it

6 says Land and Land Rights Receipt. Do you see

7 that?

8 **A. Yes.**

9 **Q.** If you look down the page, there's a

10 breakout of the compensation and it says that there

11 was a total easement payment 50-foot permanent and

12 25-foot temporary at \$110 a rod. Do you see that?

13 **A. Yes.**

14 **Q.** And then advance damages on 75-foot

15 right-of-way, \$15 a rod. Do you see that?

16 **A. Yes.**

17 **Q.** That would come to total compensation of

18 \$125 a rod; is that right?

19 **A. That's correct.**

20 **Q.** So far as you know, is that the

21 compensation that you and Mr. Hoffmann received for

22 this 2014 pipeline?

23 **A. I don't have any recollection of this, but**

24 **my husband used to handle all of this.**

25 **Q.** Fair enough. If you look at page 28, that

1 the \$15 a rod in advance damages that were shown on

2 page 28?

3 **A. It does.**

4 **Q.** And then page 30 appears to show an

5 additional \$400 paid in damages; is that right?

6 **A. Correct.**

7 **Q.** And both of those releases are also signed

8 by yourself and Mr. Hoffmann?

9 **A. Yes.**

10 **Q.** And, again, you don't have any reason as

11 you sit here to dispute that those were the damages

12 amounts paid for this pipeline, do you?

13 **A. No.**

14 **Q.** And aside from the amounts shown on that

15 receipt and these two release of damage sheets, are

16 you aware of any other compensation that was paid

17 for that 2014 pipeline?

18 **A. No.**

19 **Q.** We talked a little bit about -- we talked

20 a little bit about the WBI Energy easement in 2014;

21 we talked a little bit about the pipeline that's at

22 issue in this case. Are there pipelines owned by

23 other companies that cross the subject lands?

24 **A. Yes.**

25 **Q.** And did you personally negotiate any of

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1 Land and Land Rights Receipt appears to be signed

2 by both yourself and Mr. Hoffmann; correct?

3 **A. It is.**

4 **Q.** And as far as you recall, it would have

5 been Mr. Hoffmann who negotiated the details of

6 this?

7 **A. Yes.**

8 **Q.** You don't have any reason to dispute any

9 of the details that are shown in these documents,

10 do you?

11 **MR. BRAATEN:** Object to form and

12 foundation. Go ahead.

13 **A. Not in this document.**

14 **Q.** (MR. FORSTER CONTINUING) And really what

15 I was getting at is you don't have any reason to

16 dispute that the compensation amounts shown on page

17 28 -- you don't have any reason to dispute those

18 were the amounts paid for this pipeline, do you?

19 **A. No.**

20 **Q.** And if you look to the pages 29 and 30, it

21 looks like there are -- well, let's start with page

22 29. That release -- it's marked Release of

23 Damages. Do you see that?

24 **A. Yes.**

25 **Q.** And that amount appears to correspond to

1 the easements or compensation arrangements for any

2 of those pipelines?

3 **A. Not until my husband passed away.**

4 **Q.** After your husband passed away, have you

5 since then negotiated any easements or compensation

6 arrangements for pipelines crossing the subject

7 property?

8 **A. Yes.**

9 **Q.** And I think what we'll do is mark an

10 exhibit.

11 (Deposition Exhibit No. 12 was marked for

12 identification.)

13 **Q.** (MR. FORSTER CONTINUING) Ms. Hoffmann, do

14 you remember seeing this document before?

15 **A. No.**

16 **Q.** And I'll represent to you that this is an

17 appraisal report that your attorney, Mr. Braaten,

18 produced concerning the compensation claimed in

19 this action. Are you aware that there was an

20 appraisal performed for yourself and the other

21 landowners in this action?

22 **A. Yes.**

23 **Q.** And what I'm going to do is walk through a

24 few of the details of this report because it refers

25 to some other pipeline easements, some of which

1 appear to cross your property, so I'm going to --
 2 I'd like to walk through some of those with you.
 3 And let's -- if you can flip back to Addendum A,
 4 comparable land sales, we'll start there. If you
 5 turn to comparable land sale 1, is this a -- this
 6 comparable land sale 1, does this appear to
 7 summarize an easement transaction that's on the
 8 subject lands? If you look at the subject lands on
 9 Exhibit 2, that might help.

10 **A. Yes.**

11 **Q.** Yes, it does run across the subject lands?
 12 MR. BRAATEN: Object to form.

13 **A. It runs across the South Half of the**
 14 **Southeast Quarter in Section 11.**

15 **Q.** (MR. FORSTER CONTINUING) And that's part
 16 of the subject lands shown on Exhibit 2; right?

17 **A. That's correct.**

18 **Q.** It runs -- it looks to me like it runs
 19 east to west just to the north of those two well
 20 pads and access road; is that accurate?

21 **A. I'm not familiar with the route.**

22 **Q.** If we go back to Exhibit 10, which was
 23 marked previously, and look at Exhibit 10, and what
 24 I'd like to do is look through Exhibit 10 and let
 25 me know if those appear to be the easement and

1 **A. I see that.**

2 **Q.** So far as you know, is that red hash mark
 3 route the route of this pipeline?

4 **A. I don't know.**

5 **Q.** It appears to me that DDH 223 was
 6 initialed by yourself and Mr. Hoffmann. Does that
 7 appear to be the case? If you look up at the
 8 little -- what appears to me to be initials circled
 9 in black pen.

10 **A. It was initialed by us, yes.**

11 **Q.** Okay. Any reason to think that the route
 12 of this pipeline is something other than what's
 13 shown as the proposed pipeline route in the red
 14 hash marks on this page?

15 **A. I don't know. I honestly don't remember.**
 16 **I don't remember.**

17 **Q.** And that's fair enough. I was just trying
 18 to establish for the record that you didn't have
 19 any other knowledge -- any reason to think that the
 20 pipeline route is something different from what's
 21 shown in the documents.

22 **A. No.**

23 **Q.** If we look at the pipeline route that is
 24 shown in the documents, it appears that the
 25 pipeline runs primarily east to west parallel to

1 related documents that were signed with respect to
 2 the easement that's shown as comparable land sale
 3 1.

4 **A. I'm sorry. This was four days before my**
 5 **husband passed away. This is not -- it's going to**
 6 **take me a few minutes. I forgot the question. I'm**
 7 **sorry.**

8 **Q.** That's okay. So after looking through
 9 Exhibit 10, my question is just whether these
 10 appear to be the easement agreement and related
 11 documents that were signed by you and Mr. Hoffmann
 12 with respect to the transaction that's shown as
 13 comparable land sale 1 in the appraisal.

14 **A. So is this document representing this land**
 15 **sale?**

16 **Q.** Exactly.

17 **A. Yes.**

18 **Q.** And if we turn to the page marked DDH
 19 223 --

20 **A. Okay.**

21 **Q.** -- I'm just trying to nail down what the
 22 route of this pipeline is on the subject lands.
 23 There's a little box with an arrow that says
 24 proposed pipeline and then it points to a little
 25 red hash mark. Do you see that?

1 the access road on the subject lands. Is that
 2 fair?

3 **A. Yes.**

4 **Q.** And it appears to run up to a proposed
 5 valve site labeled as being .44 acres just to the
 6 northwest of those two well pads; is that fair?

7 **A. Yes.**

8 **Q.** Now, at least as the route for this
 9 pipeline is depicted in these documents, the
 10 pipeline here shown on DDH 223 would be basically
 11 at a route that's perpendicular to the WBI easement
 12 at issue in this action, wouldn't it?

13 **A. I don't know.**

14 **Q.** If you look at Exhibit No. 1, the WBI
 15 easement, the WBI easement basically runs north to
 16 south across the subject lands; correct?

17 **A. Yes.**

18 **Q.** This proposed valve site on the surface,
 19 do you see that?

20 **A. Yes.**

21 **Q.** The -- well, let me ask you this. Were
 22 you the one who negotiated this easement?

23 **A. No.**

24 **Q.** Was that your husband who did?

25 **A. Yes.**

1 Q. Do you know if that valve site -- is that
 2 an aboveground location on the subject lands?
 3 A. I don't know.
 4 Q. Assuming it is, is it possible that
 5 additional compensation was paid for this pipeline
 6 because there was an aboveground valve site?
 7 MR. BRAATEN: Object to form.
 8 A. Was additional compensation paid other
 9 than what we received?
 10 Q. (MR. FORSTER CONTINUING) No, not other
 11 than what you received, but is it possible that the
 12 price per rod would have been higher because
 13 there's an aboveground facility?
 14 A. That's generally --
 15 MR. BRAATEN: Object to form and
 16 foundation. Go ahead.
 17 THE WITNESS: That's generally not how my
 18 husband negotiated. It would have had nothing to
 19 do with the valve site. He would have negotiated
 20 the said price per rod.
 21 Q. (MR. FORSTER CONTINUING) The price per
 22 rod separately?
 23 A. He would have just negotiated the price
 24 per rod. If a valve site was included, I'm not
 25 sure. He -- I don't know.

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1 Q. Okay. Your understanding is he basically
 2 would have just negotiated a price per rod to
 3 include everything?
 4 MR. BRAATEN: Object to form. Go ahead.
 5 A. He generally negotiated a price per rod.
 6 I'm not familiar with what he did with valve sites.
 7 Q. (MR. FORSTER CONTINUING) Have you
 8 negotiated -- I think you said you've negotiated
 9 one or more additional easements over the past
 10 year; is that right?
 11 A. Yes.
 12 Q. Did any of those involve valve sites or
 13 other aboveground facilities as part of the deal?
 14 MR. BRAATEN: Object to foundation. Go
 15 ahead.
 16 A. No.
 17 Q. (MR. FORSTER CONTINUING) If we look at
 18 the summary on the appraisal for comparable land
 19 sale number 1, as they're -- well, just take a
 20 minute and review that. My question is going to be
 21 whether you have any reason to dispute the accuracy
 22 of any of the information that's shown on that
 23 summary.
 24 A. Other than the fact that my name is
 25 spelled wrong, no.

1 Q. Other than that, no reason to dispute any
 2 of the information?
 3 A. To my knowledge, it's correct.
 4 Q. Let's turn to comparable land sale number
 5 3. And does this land sale number 3 appear to
 6 pertain to a pipeline easement transaction that's
 7 on the subject lands -- your subject lands that
 8 we've been discussing?
 9 A. Are we just in this corner down here? I'm
 10 not sure the route of the pipeline. I'm not
 11 following it.
 12 Q. It's difficult to tell from this summary
 13 where exactly this pipeline runs?
 14 A. Sorry. I don't know. I don't know if I'm
 15 looking at the blue line, the red line or the black
 16 line.
 17 Q. And I'm not exactly sure either. That's
 18 why I'm asking. Fair to say you did not negotiate
 19 this easement?
 20 A. No.
 21 Q. Do you have any personal knowledge about
 22 where this pipeline was actually installed on the
 23 subject lands?
 24 A. No.
 25 Q. Do you have any personal knowledge about

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1 whether this pipeline that's referred to in the
 2 summary was actually installed on the subject
 3 lands?
 4 A. I don't know.
 5 MR. FORSTER: Off the record.
 6 (Recess taken at 10:42 a.m. and reconvened
 7 at 10:55 a.m.)
 8 Q. (MR. FORSTER CONTINUING) Let's go back to
 9 the appraisal, which I believe is marked as Exhibit
 10 12, and turn now to comparable land sale number 4.
 11 And does the transaction that's summarized in
 12 comparable land sale number 4 appear to relate to a
 13 pipeline easement across the subject property?
 14 A. It does.
 15 Q. And I have a document that I think will
 16 help our discussion for this one.
 17 (Deposition Exhibit No. 13 was marked for
 18 identification.)
 19 Q. (MR. FORSTER CONTINUING) Let me know once
 20 you've had a chance to look through Exhibit 13.
 21 And the question again is going to be whether these
 22 documents appear to be the easement and related
 23 documents pertaining to the land sale shown in land
 24 sale number 4.
 25 A. They do.

1 Q. And if we look to page 215, does that
2 appear to depict in a blue line the route of this
3 pipeline across the subject lands?
4 A. Yes.
5 Q. If we compare the route of this pipeline
6 to the WBI easement shown in Exhibit 1, do they
7 follow the same route across the subject lands?
8 MR. BRAATEN: Object to foundation.
9 A. I don't know.
10 Q. (MR. FORSTER CONTINUING) I think Exhibit
11 1 might be underneath there. Sorry. Too many
12 exhibits. Now that you have both documents in
13 front of you, we're comparing the WBI easement
14 shown on Exhibit 1 versus the pipeline route shown
15 on Exhibit 13 at page 215. Do those pipelines
16 appear to follow the same route across the subject
17 lands?
18 MR. BRAATEN: Object to form and
19 foundation.
20 A. I don't know.
21 Q. (MR. FORSTER CONTINUING) It looks to me
22 like they follow different routes. Don't you
23 agree?
24 MR. BRAATEN: Object to form.
25 A. In Section 11 they are in the same place

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1 for part of the pipeline.
2 Q. (MR. FORSTER CONTINUING) Part of the
3 pipeline is in the same place in Section 11. And
4 then this Exhibit 13 shows a Hiland Crude pipeline;
5 is that right?
6 A. Yes.
7 Q. And it appears to me that the Hiland
8 pipeline, as you go into the north half of the
9 south half, the Hiland pipeline basically follows
10 the property line and the access road and runs off
11 to the west. Does that look right?
12 A. What section are you in?
13 Q. 11.
14 A. What was your question?
15 Q. Maybe I can do it this way. I'm not
16 trying to ask a trick question. The Hiland
17 pipeline shown at page 215 of Exhibit 13, it
18 appears to run over to the west side of Section 11
19 and it exits the subject lands to the west into
20 Section 10; correct?
21 A. Yes.
22 Q. Whereas the WBI easement shown on Exhibit
23 1 maintains a more or less north-to-south
24 trajectory and exits the subject property running
25 out to the north into the North Half of Section 11;

1 is that right?
2 A. Yes.
3 Q. If you look at the -- well, do you know
4 what kind of pipeline the pipeline shown in Exhibit
5 4 is? I apologize. Strike that.
6 What kind of pipeline the Hiland Crude
7 pipeline shown as comparable land sale number 4 is.
8 A. No.
9 Q. Do you know whether it's an oil pipeline
10 versus a gas pipeline?
11 A. I don't know.
12 Q. If you look at the details summarized on
13 comparable land sale number 4, do you have any
14 reason to dispute the accuracy of any of the
15 details that are summarized on that page?
16 A. No.
17 Q. Did you negotiate the easement -- the
18 transaction that's shown as comparable land sale
19 number 4?
20 A. No.
21 Q. Again, that would have been Mr. Hoffmann?
22 A. Yes.
23 Q. Aside from what's shown on the documents,
24 do you have any personal knowledge of the
25 compensation received in that transaction?

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1 A. Other than what's stated here?
2 Q. Yes, other than what's shown in the
3 appraisal and that Exhibit 13.
4 A. No.
5 Q. Okay. Let's go on to comparable land sale
6 number 5 in the appraisal. This appears to be a
7 transaction from yourself and Mr. Hoffmann, as
8 grantor, and American Midstream Bakken, LLC, as
9 grantee; is that right?
10 A. Yes.
11 Q. And does this transaction appear to relate
12 to a pipeline that crosses a portion of the subject
13 lands?
14 A. Yes.
15 Q. And it appears from the image shown on
16 comparable land sale 5 that this pipeline crosses a
17 portion of the Northwest of the Southwest Quarter
18 of Section 11 in the subject lands; is that right?
19 A. Yes.
20 Q. Does the WBI pipeline shown in Exhibit 1,
21 does that easement run through any part of the
22 southwest quarter of the subject lands?
23 A. I don't know.
24 Q. It appears to me that the WBI easement
25 runs through the -- further to the east through

1 part of the Southeast Quarter of Section 11; is
 2 that right?
 3 **A. This is the Southeast Quarter of Section**
 4 **11; correct?**
 5 **Q.** That's my understanding.
 6 **A. Yes.**
 7 **Q.** And you're pointing to Exhibit 1?
 8 **A. Yes.**
 9 **Q.** And on that understanding, it appears that
 10 the WBI easement runs through part of the Southeast
 11 Quarter of Section 11; is that right?
 12 **A. Yes.**
 13 **Q.** And just to make sure we got it clear in
 14 the record, the comparable land sale number 5
 15 appears to involve a pipeline that runs a bit
 16 further to the west and runs through a portion of
 17 the Southwest Quarter of Section 11; correct?
 18 **A. Yes.**
 19 **Q.** And do you recall having any personal
 20 involvement in the negotiation of this easement or
 21 this transaction shown as comparable land sale
 22 number 5?
 23 **A. No.**
 24 **Q.** Do you have any personal knowledge about
 25 the compensation paid for that easement?

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1 **A. Other than what's stated, no.**
 2 **Q.** Nothing other than what's stated in the
 3 appraisal?
 4 **A. Correct.**
 5 **Q.** No reason to dispute what's stated in the
 6 appraisal; correct?
 7 **A. Correct.**
 8 **Q.** But also you don't have any -- you don't
 9 have any personal knowledge to confirm what's
 10 stated in the appraisal?
 11 **A. No.**
 12 **Q.** Fair enough. Let's go on to comparable
 13 land sale number 8. Are you at comparable land
 14 sale number 8?
 15 **A. Yes.**
 16 **Q.** This appears to be a transaction between
 17 yourself and Mr. Hoffmann and Bridger Pipeline,
 18 LLC; is that right?
 19 **A. Yes.**
 20 **Q.** And it involves a pipeline easement that
 21 crosses a portion of the subject lands?
 22 **A. Yes.**
 23 **Q.** And if we look at the diagram, there's a
 24 lot going on on this diagram on comparable land
 25 sale number 8, but if you look just below the

1 1/16th line on the diagram, there's a label that
 2 says block valve site 4. Do you see that?
 3 **A. Yes.**
 4 **Q.** Do you have any knowledge as to whether
 5 there was separate compensation paid for that block
 6 valve site or whether that was included in the
 7 price per rod for this pipeline easement?
 8 **A. I don't know.**
 9 **Q.** Do you know whether that block valve site
 10 represents an aboveground facility on this
 11 pipeline?
 12 **A. I don't know.**
 13 **Q.** And if we look at the details that are
 14 summarized in comparable land sale number 8, do you
 15 have any personal knowledge to be able to confirm
 16 the amounts paid for this easement shown in
 17 comparable land sale number 8?
 18 **A. No.**
 19 **Q.** Let's go on to comparable land sale number
 20 10. I think this is the last one on your property,
 21 so getting there. Take a minute and let me know
 22 when you've had a chance to look at the comparable
 23 land sale number 10.
 24 **A. I'm not sure what a north half of a west**
 25 **quarter is.**

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1 **Q.** And that's a fair point. It looks to me
 2 like you're referring to part of the legal
 3 description in the location for comparable land
 4 sale 10?
 5 **A. Yes. Under Section 11 it says the North**
 6 **Half of the West Quarter, and then further on it's**
 7 **the East Half of the East Quarter. I have not**
 8 **dissected them that way before.**
 9 MR. BRAATEN: Fair enough.
 10 **Q.** (MR. FORSTER CONTINUING) From the
 11 information shown for comparable land sale number
 12 10, can you tell whether the pipeline runs through
 13 some portion of the subject lands at least?
 14 **A. Yes.**
 15 **Q.** Can you tell what -- can you tell with any
 16 specificity what part of the subject lands it runs
 17 through?
 18 **A. The West Half of the Southeast Quarter**
 19 **would be correct. And the North Half of the**
 20 **Northeast Quarter of 14 would be correct.**
 21 **Q.** And did you have any personal involvement
 22 that you recall negotiating the easement or
 23 transaction that's represented as comparable sale
 24 number 10?
 25 **A. No.**

1 Q. Any knowledge about how that pipeline was
 2 actually installed on the subject lands?
 3 A. No.
 4 Q. Any personal knowledge to confirm the
 5 amount paid for that easement shown as comparable
 6 land sale number 10?
 7 A. No.
 8 Q. I want to talk for a moment about
 9 negotiations -- any negotiations with WBI Energy
 10 concerning the pipeline that's actually at issue in
 11 this action. Did you have any personal involvement
 12 in those negotiations?
 13 A. No.
 14 Q. Have you ever personally communicated with
 15 somebody from WBI Energy regarding the easement at
 16 issue in this action?
 17 A. No.
 18 (Mrs. Margaret Hoffmann leaves the
 19 deposition room.)
 20 Q. (MR. FORSTER CONTINUING) And have you
 21 ever personally communicated with anybody from WBI
 22 Energy regarding the pipeline that's installed on
 23 that easement or the construction of the pipeline?
 24 A. No.
 25 Q. I'm going to hand you another document

1 foundation.
 2 Q. (MR. FORSTER CONTINUING) And I think you
 3 said you're familiar with this appraisal; correct?
 4 A. I haven't read it in entirety, but it was
 5 necessary to be prepared for my husband's estate.
 6 Q. Fair enough. Maybe an easier way rather
 7 than trying to pin you down on a specific page is
 8 just to ask, when the appraisal was completed, even
 9 if you didn't review the entire document, I assume
 10 that you looked at the valuations that the
 11 appraiser reached?
 12 A. Yes.
 13 Q. And do you have any reason to dispute
 14 those valuations?
 15 MR. BRAATEN: Object to foundation.
 16 A. I'm not familiar with appraisals.
 17 Q. (MR. FORSTER CONTINUING) When the
 18 appraisal -- once the appraisal was done for the
 19 estate, did you -- I don't know if accept is the
 20 right word, but did you -- well, let's strike that.
 21 When the appraisal was completed, did you
 22 do anything to dispute the conclusions in the
 23 appraisal for purposes of the estate?
 24 MR. BRAATEN: Object to form and
 25 foundation.

1 which we will mark as an exhibit, should be Exhibit
 2 14, I believe.
 3 (Deposition Exhibit No. 14 was marked for
 4 identification.)
 5 Q. (MR. FORSTER CONTINUING) Let me know once
 6 you've had a chance to review this document.
 7 A. I'm familiar with it, yes.
 8 Q. What is this document?
 9 A. It's an appraisal of my properties that
 10 was prepared for my husband's estate.
 11 Q. Do the properties covered by this
 12 appraisal include the lands that we've been
 13 referring to as the subject lands?
 14 A. Yes.
 15 Q. And we don't need to go through the whole
 16 thing, but I believe that the appraisal appraises
 17 the surface estate of the subject lands among other
 18 lands that you own; is that fair?
 19 A. Yes.
 20 Q. If we look to the page marked DDH 262, I
 21 think this is sort of a summary of the appraisal
 22 and conclusions. Is there anything in the summary
 23 and conclusions on this page that you think are
 24 inaccurate or disagree with?
 25 MR. BRAATEN: Object to form and

1 A. I didn't dispute anything.
 2 Q. (MR. FORSTER CONTINUING) And how was the
 3 appraisal used? I know you said it was for
 4 purposes of the estate. Do you have any further
 5 understanding in terms of how it was used, for what
 6 purposes?
 7 A. For probate purposes.
 8 Q. And it set the value of the land for
 9 probate purposes then; is that your understanding?
 10 A. It set the value of the estate for probate
 11 -- for probate.
 12 Q. And the value of the land shown in the
 13 appraisal was included in the value of the estate
 14 for probate purposes?
 15 A. Yes.
 16 MR. BRAATEN: Object to foundation.
 17 Q. (MR. FORSTER CONTINUING) And if we look
 18 at the page 262, in the top portion, the property
 19 identification section, this appraiser concludes
 20 that the highest and best use of the property is
 21 agricultural - cropland and pasture; is that right?
 22 A. That's what it says.
 23 Q. If we look down to the bottom half of the
 24 appraisal report summary where it shows the
 25 allocation of value, the appraiser concludes a

1 total land value of \$835,000, which comes to \$876
 2 per acre; is that correct?
 3 MR. BRAATEN: Object to form.
 4 **A. That's what the document states.**
 5 **Q.** (MR. FORSTER CONTINUING) And just to tie
 6 this together, the top right corner where it says
 7 total deeded acres and effective unit size, the
 8 appraiser states that he's appraising a total area
 9 of 953 acres; is that right?
 10 MR. BRAATEN: Object to foundation.
 11 **A. That's what the document says.**
 12 **Q.** (MR. FORSTER CONTINUING) Jumping back to
 13 the appraisal report summary, it looks like the
 14 appraiser also includes a structural improvement
 15 contribution of \$216,000. Do you see that?
 16 **A. Yes.**
 17 **Q.** Do you know what structural improvements
 18 were included on the lands covered by this
 19 appraisal?
 20 **A. No.**
 21 **Q.** Was the residence included?
 22 **A. The residence is included in the**
 23 **appraisal.**
 24 **Q.** And what value is given to the residence
 25 in the appraisal?

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1 MR. BRAATEN: Object to form.
 2 **Q.** (MR. FORSTER CONTINUING) If you know.
 3 **A. I don't know.**
 4 **Q.** Do you have some reason to think that the
 5 residence was assigned some value beyond the
 6 \$216,000 structural improvement contribution that's
 7 shown on the summary page?
 8 **A. I don't know if that's what the structural**
 9 **improvement contribution was for.**
 10 **Q.** You just don't know either way?
 11 **A. I really don't.**
 12 **Q.** Okay. Do you have any -- outside of this
 13 appraisal, do you have any prior experience with
 14 Basin Brokers or Roger Cymbaluk?
 15 **A. I met him -- he did business at McKenzie**
 16 **County with McKenzie County Auditor's Office. He**
 17 **would occasionally walk through.**
 18 **Q.** Okay. Do you know what he does?
 19 **A. I think he's a real estate agent.**
 20 **Q.** A real estate agent. And he also does
 21 appraisals apparently?
 22 **A. Yes.**
 23 **Q.** The appraisal says he's a certified
 24 general appraiser.
 25 **A. It does.**

1 **Q.** Is Mr. Cymbaluk a well-known real estate
 2 agent in the McKenzie County area?
 3 **A. I don't know.**
 4 **Q.** At least you had heard of him before he
 5 did this appraisal?
 6 **A. Yes.**
 7 **Q.** And same question for Basin Brokers. Are
 8 they a well-known firm in the McKenzie County area,
 9 in your opinion?
 10 **A. I've heard of them.**
 11 **Q.** Do you think others in the area have heard
 12 of them as well?
 13 **A. Yes. I would say yes.**
 14 **Q.** Do they sell quite a bit of land in the
 15 McKenzie County area?
 16 MR. BRAATEN: Object to foundation.
 17 **A. I don't know.**
 18 **Q.** (MR. FORSTER CONTINUING) Have you seen
 19 them involved in other real estate transactions in
 20 the McKenzie County area in the past?
 21 MR. BRAATEN: Object to form.
 22 **A. Not personally.**
 23 **Q.** (MR. FORSTER CONTINUING) Have you seen
 24 Basin Brokers' signs or advertisements for real
 25 estate sales of other properties in the McKenzie

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1 County area?
 2 **A. Yes.**
 3 **Q.** If we turn back to Exhibit 12, which is
 4 the appraisal report for this action, and we walked
 5 through before previously, I'll have you flip to
 6 page 47. And if you look at this page, there's a
 7 numbered list and it lists different landowners.
 8 The list starts with, "Our market value estimate
 9 should be allocated as follows," and that number 1
 10 is the -- I believe, the easement across your
 11 subject lands, the pipeline easement across your
 12 subject lands. Does that appear to be the case?
 13 **A. Yes.**
 14 **Q.** And the appraiser assigns total
 15 compensation of \$117,665. Do you see that?
 16 **A. Yes.**
 17 **Q.** From your perspective, your understanding,
 18 is that the total compensation that you are seeking
 19 for the WBI pipeline easement in this case?
 20 **A. I don't know.**
 21 **Q.** Well, if the case goes in front of a jury
 22 and the jury is asked to award you some amount of
 23 compensation for the pipeline easement, how much
 24 compensation do you think the jury should award
 25 you?

1 MR. BRAATEN: Object to foundation and
2 form. For the pipeline?
3 MR. FORSTER: What's the objection?
4 MR. BRAATEN: I was just asking you, are
5 you talking about specifically the pipeline?
6 **Q.** (MR. FORSTER CONTINUING) Yes. So I'm
7 asking, if the jury is asked to award you
8 compensation for the pipeline easement that's shown
9 on Exhibit 1 for this deposition, is the total
10 compensation shown here at number 1 in the
11 appraisal, the \$117,665, is that the amount that
12 you think the jury should award you?
13 **A.** I don't understand what the 1.67 acres
14 times 2,500 per acre is for. We were asking 600 a
15 rod as damages.
16 **Q.** And maybe we can help with that. If you
17 look above the list, it says, "We also estimate the
18 value of land used for workspace areas at a rate of
19 \$2,500 per acre." Do you see that?
20 **A.** I do.
21 **Q.** Does that help you understand what the --
22 **A.** I don't know how to put workspace acres
23 into easement feet allowances.
24 **Q.** Okay. If you look back at Exhibit 1 where
25 it says extra workspace, 1.67 acres. Do you see

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1 that?
2 **A.** Yes.
3 **Q.** Does that appear to line up with the
4 calculation shown on the appraisal of 1.67 acres
5 times \$2,500 per acre?
6 **A.** Yes.
7 **Q.** Okay. And I'm not trying to trick you.
8 This is my chance to ask you. You know, if you get
9 up on the stand at trial, I'm trying to confirm
10 that what you're going to be asking the jury to
11 award you for the pipeline easement is the same
12 thing that your appraiser is saying you should be
13 awarded. So the question is simply, do you think
14 you should be awarded for the pipeline easement the
15 \$117,665 concluded by the appraiser, or is there
16 something else that you think you should be awarded
17 that's different from that?
18 **A.** I don't know.
19 **Q.** Okay. So is it fair to say you would
20 defer to your appraiser in terms of the total
21 compensation that should be awarded at trial?
22 **A.** I don't know.
23 **Q.** All right. And I'm really not trying to
24 ask a trick question. This is our only chance to
25 talk with you before trial, and so in fairness to

1 everybody, I need to know if the amount you're
2 going to be claiming at trial is different from the
3 amount that's been disclosed, and this is the value
4 that's been disclosed to us for your pipeline
5 easement. You know, if you're going to say
6 something different from that at trial, I need to
7 know that and that's why I'm asking the question.
8 So maybe I can ask it this way. If this
9 case goes to trial, do you intend to ask for some
10 different amount for the pipeline easement
11 compensation aside from what's shown as the total
12 compensation concluded by your appraisal here on
13 No. 1?
14 **A.** I need -- I would need to speak with my
15 attorney and the other people involved in the
16 lawsuit.
17 MR. BRAATEN: To the extent it's helpful,
18 I'll stipulate that she's not going to testify to a
19 different amount for the pipeline easement as
20 damages.
21 MR. FORSTER: That's what I was going to
22 suggest. We can stipulate?
23 MR. BRAATEN: Yeah, I will stipulate to
24 that.
25 THE WITNESS: Thank you.

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1 MR. FORSTER: Sorry. I didn't mean to
2 drag you over the coals there. I just want to have
3 the record clear.
4 **Q.** (MR. FORSTER CONTINUING) Aside from that
5 compensation for the pipeline easement, do you have
6 an understanding as to any other compensation that
7 you would be seeking in this action?
8 **A.** Use of my road.
9 **Q.** And what amount would you intend to seek
10 for the use of your road?
11 MR. BRAATEN: Object to foundation.
12 **A.** I would assume the same amount per rod,
13 what the appraisal states.
14 **Q.** (MR. FORSTER CONTINUING) The 227.8 rods
15 times 550 per rod for a total of \$125,290?
16 **A.** Yes.
17 **Q.** And, Ms. Hoffmann, are you aware that that
18 -- that the claim for compensation for that access
19 road has been dismissed from the case previously?
20 MR. BRAATEN: Object to form.
21 **A.** I don't know.
22 MR. BRAATEN: I just want to clarify on
23 the record, and I'm not trying to argue with you,
24 but you said the claim to compensation was
25 dismissed, and I disagree with that as a legal

1 matter. There was a stipulation by which WBI
2 dismissed its condemnation claim.
3 MR. FORSTER: Probably it would be helpful
4 for the record if we just put the stipulation in as
5 an exhibit.
6 (Deposition Exhibit No. 15 was marked for
7 identification.)
8 Q. (MR. FORSTER CONTINUING) Ms. Hoffmann,
9 I've placed in front of you what's been marked as
10 Exhibit 15. Let me know once you've had a chance
11 to look through that. And I can represent to you
12 that this is a document that's been filed with the
13 Court in this case. Have you seen this document
14 before today?
15 A. It might have been emailed to me.
16 Q. And if we look at the last page of the
17 document, the signature blocks, there's a signature
18 for the 3rd day of May and it's signed Matt Kelly.
19 Do you see that?
20 A. Yes.
21 Q. And it says, attorneys for defendants
22 David L. Hoffmann, Denae M. Hoffmann, and the other
23 landowners in the case. Do you see that?
24 A. Yes.
25 Q. Was Matt Kelly your attorney at the time

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1 that this stipulation was signed in May of 2018?
2 A. He was our attorney. I can't tell you the
3 date.
4 Q. Fair enough. He was your counsel at the
5 beginning of this case, though; right?
6 A. Yes. Yes.
7 Q. And if we look at paragraph 1 of the
8 stipulation, it says, "Plaintiff, WBI Energy
9 Transmission, agrees not to condemn the temporary
10 access road easement crossing the lands of
11 defendants David L. Hoffmann and Denae M. Hoffmann
12 depicted in Exhibit 2 to the condemnation complaint
13 and identified in the caption," and then it
14 provides a legal description. If you look back to
15 Exhibit 6, it's the plat of the access road that we
16 were talking about.
17 A. Okay.
18 Q. Does that appear to be the same access
19 road that's described in paragraph 1 here?
20 MR. BRAATEN: Paragraph 1 of Exhibit 15?
21 MR. FORSTER: Yes.
22 A. Yes.
23 Q. (MR. FORSTER CONTINUING) And the
24 stipulation goes on to state that, "Accordingly,
25 WBI's claim to condemn the access road easement for

1 construction access is dismissed as moot pursuant
2 to Federal Rule of Civil Procedure 41(a)(1) without
3 compensation and without costs or fees to any
4 party." Did I read that correctly?
5 A. Which means?
6 MR. BRAATEN: Just answer the question.
7 THE WITNESS: What's the question?
8 Q. (MR. FORSTER CONTINUING) Is that what the
9 stipulation says?
10 A. That's what it says.
11 Q. And you were going to say that this means
12 what?
13 MR. BRAATEN: I'm not sure if that's a
14 question, but if it is, object to foundation.
15 A. I'm not sure what that means.
16 Q. (MR. FORSTER CONTINUING) Fair enough.
17 Okay. So we've talked about total compensation for
18 the pipeline easement. We've talked about
19 compensation for this claimed use of the access
20 road. Aside from those items that we've discussed,
21 is there any other compensation that you believe
22 should be awarded to you in this action?
23 A. Legal fees.
24 Q. And do you know how much in legal fees you
25 and Mr. Hoffmann have paid out of pocket to date in

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1 this action?
2 A. Approximately 28,000.
3 Q. And is that just to Mr. Braaten or to
4 spread across both Mr. Braaten and Mr. Kelly?
5 A. That's just to Mr. Braaten.
6 Q. And is that 28,000 at least -- and I
7 realize that these will continue, but at least as
8 we sit here today, is that the total amount of fees
9 that you would be looking to be compensated for to
10 date?
11 A. No. We haven't -- I think there's still a
12 month or so outstanding plus appraisal fee.
13 Q. Okay. And what's the month or so
14 outstanding?
15 A. I don't know.
16 Q. Do you know what the appraisal fee is?
17 A. I don't know.
18 Q. Are you looking to be compensated for any
19 legal fees that were paid to Mr. Kelly in this
20 action?
21 A. No.
22 Q. Okay. So we've talked about the total
23 compensation for the pipeline easement. We've
24 talked about compensation for the claimed use by
25 WBI Energy of the access road. We've talked about

1 legal fees. Aside from those items, is there
 2 anything else that you believe you should be
 3 compensated for in this action?
 4 **A. No.**
 5 MR. FORSTER: No further questions.
 6 MR. BRAATEN: I don't have any questions
 7 and we will read and sign.
 8 (Concluded at 11:54 a.m., the same day.)
 9 -----
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1 CERTIFICATE OF COURT REPORTER AND NOTARY PUBLIC
 2 STATE OF NORTH DAKOTA)
) ss.
 3 COUNTY OF BURLEIGH)
 4
 I, Denise M. Andahl, a Registered
 5 Professional Reporter and a Notary Public duly
 commissioned and qualified in and for the County of
 6 Burleigh, State of North Dakota,
 7 DO HEREBY CERTIFY that, pursuant to notice
 or agreement, there came before me at the time and
 8 place hereinbefore indicated the named witness, who
 9 was by me duly sworn to testify to the truth and
 nothing but the truth touching and concerning the
 10 matter in controversy in this cause; that said
 witness was thereupon examined under oath and said
 11 examination reduced to writing by me; that the said
 deposition, having been transcribed, was
 12 subsequently submitted by me to the said witness,
 who thereupon read the said deposition and made
 13 changes or corrections, if any, as appear noted
 therein, along with the reason for each thereof,
 14 and that the said deposition was thereupon
 subscribed to by the said witness; that the
 15 foregoing and attached typewritten pages contain a
 full, true, accurate and correct transcript of my
 16 shorthand notes, as they purport to contain, then
 and there taken.
 17 I DO HEREBY FURTHER CERTIFY that I am
 18 neither attorney or counsel for, nor related to or
 employed by, any of the parties to the action in
 19 which this deposition is taken; and, further, that
 I am not a relative or employee of any attorney or
 20 counsel by the parties hereto or financially
 interested in the action.
 21 IN WITNESS WHEREOF I have hereunto set
 22 hand and affixed my notarial seal this ____ day of
 _____, 2021.
 23
 24 Denise M. Andahl
 Court Reporter and Notary Public
 My Commission expires: 12-26-22
 25

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1 CERTIFICATE OF DEPONENT
 2
 3
 4 I, **DENAE HOFFMANN**, the deponent in the
 5 foregoing deposition,
 6 DO HEREBY CERTIFY that I have read the
 7 foregoing and attached 78 typewritten pages, and
 8 that the same are, with changes or corrections, if
 9 any, set forth on the following correction sheets
 10 (setting forth the reason assigned for each change
 11 or correction, and duly signed by me), a full,
 12 true, accurate and correct transcript of my
 13 deposition on oral examination given at the time
 14 and place therein indicated.

15 Dated this _____ day of _____,
 16 202__.

 21 **DENAE HOFFMANN**
 22
 23
 24
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zoomed ^[1] - 13:17

zoomed-out ^[1] - 13:17